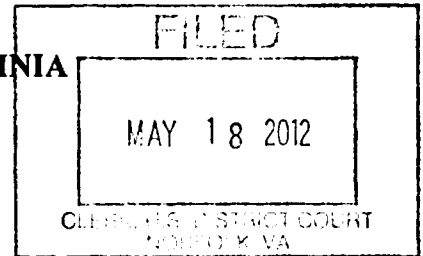


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JAMES DOW VANDIVERE, # 99078-011,

Petitioner,

v.

ACTION NO. 2:11cv398

E.D. WILSON, Warden, or
Acting Warden of FCC Petersburg,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The petition asks the Court to order Respondent to advise the Bureau of Prisons staff to continue adhering to policies and regulations relating to the Inmate Financial Responsibility Program.

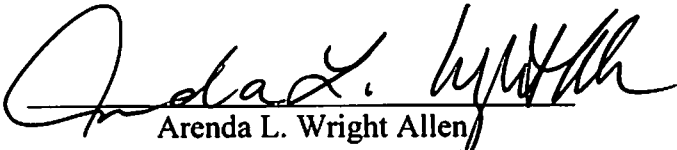
The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed April 5, 2012 recommends dismissal of the petition with prejudice. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation, filed April 5, 2012 and it is therefore ORDERED that Respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED with prejudice. It is further ORDERED that judgment be entered in favor of Respondent.

The petition is DISMISSED, as Petitioner failed to exhaust his administrative remedies, and because no justiciable action exists for relief of his claim.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 60 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.


Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
May 18, 2012